

Union Calendar No. 328

104TH CONGRESS
2D Session

H. R. 3673

[Report No. 104-649]

A BILL

To amend title 38, United States Code, to revise and improve certain veterans programs and benefits, to authorize the American Battle Monuments Commission to enter into arrangements for the repair and long-term maintenance of war memorials for which the Commission assumes responsibility, and for other purposes.

JUNE 27, 1996

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 1996

Mr. STUMP (for himself, Mr. MONTGOMERY, Mr. EVERETT, Mr. EVANS, Mr. BUYER, and Mr. FILNER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

JUNE 27, 1996

Additional sponsors: Mr. SMITH of New Jersey, Mr. HUTCHINSON, Mr. BILIRAKIS, Mr. CLEMENT, Mr. FOX of Pennsylvania, Mr. TEJEDA, Mr. WELLER, Mr. MASCARA, and Mr. STEARNS

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A BILL

To amend title 38, United States Code, to revise and improve certain veterans programs and benefits, to authorize the American Battle Monuments Commission to enter into arrangements for the repair and long-term maintenance

of war memorials for which the Commission assumes responsibility, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 **SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,**
 4 **UNITED STATES CODE.**

5 (a) SHORT TITLE.—This Act may be cited as the
 6 “Veterans’ Compensation and Readjustment Benefits
 7 Amendments of 1996”.

8 (b) REFERENCES.—Except as otherwise expressly
 9 provided, whenever in this Act an amendment is expressed
 10 in terms of an amendment to a section or other provision,
 11 the reference shall be considered to be made to a section
 12 or other provision of title 38, United States Code.

13 **TITLE I—VETERANS**
 14 **COMPENSATION BENEFITS**

15 **SEC. 101. PRESUMPTION THAT BRONCHIOLO-ALVEOLAR**
 16 **CARCINOMA IS SERVICE-CONNECTED.**

17 Section 1112(c)(2) is amended by adding at the end
 18 the following new subparagraph:

19 “(P) Bronchiolo-alveolar carcinoma.”.

1 **SEC. 102. PRESUMPTION OF PERMANENT AND TOTAL DIS-**
2 **ABILITY FOR VETERANS OVER AGE 65 WHO**
3 **ARE NURSING HOME PATIENTS.**

4 Section 1502(a) is amended by inserting “is 65 years
5 of age or older and a patient in a nursing home or, regard-
6 less of age,” after “such a person”.

7 **SEC. 103. PILOT PROGRAM FOR USE OF CONTRACT PHYSI-**
8 **CIA NS FOR DISABILITY EXAMINATIONS.**

9 (a) **AUTHORITY.**—The Secretary of Veterans Affairs
10 may conduct a pilot program under this section under
11 which examinations with respect to medical disability of
12 applicants for benefits under laws administered by the
13 Secretary that are carried out through the Under Sec-
14 retary for Benefits may be made by persons other than
15 employees of the Department of Veterans Affairs pursuant
16 to contracts entered into with those persons.

17 (b) **LIMITATION.**—The Secretary may carry out the
18 pilot program under this section through not more than
19 10 regional offices of the Department of Veterans Affairs.

20 (c) **SOURCE OF FUNDS.**—Payments for contracts
21 under the pilot program under this section shall be made
22 from amounts available to the Secretary of Veterans Af-
23 fairs for payment of examinations of applicants for bene-
24 fits.

25 (d) **REPORT TO CONGRESS.**—Not later than three
26 years after the date of the enactment of this Act, the Sec-

1 retary shall submit to Congress a report on the effect of
 2 the use of the authority provided by subsection (a) on the
 3 cost, timeliness, and thoroughness of medical disability ex-
 4 aminations.

5 **SEC. 104. LIMITATION ON CLOTHING ALLOWANCE FOR IN-**
 6 **CARCERATED VETERANS.**

7 (a) PRO RATA REDUCTION.—Chapter 53 is amended
 8 by inserting after section 5313 the following new section:

9 **“§ 5313A. Limitation on payment of clothing allow-**
 10 **ance to incarcerated veterans**

11 “In the case of a veteran who is incarcerated in a
 12 Federal, State, or local penal institution for a period in
 13 excess of 60 days and who is furnished clothing without
 14 charge by the institution, the amount of an annual cloth-
 15 ing allowance payable to such veteran under section 1162
 16 of this title shall be reduced on a pro rata basis for each
 17 day on which the veteran was so incarcerated during the
 18 12-month period preceding the date on which payment of
 19 the allowance would be due. This section shall be carried
 20 out under regulations prescribed by the Secretary.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
 22 at the beginning of such chapter is amended by inserting
 23 after the item relating to section 5313 the following new
 24 item:

“5313A. Limitation on payment of clothing allowance to incarcerated veterans.”.

1 **SEC. 105. EXTENSION OF VETERANS' CLAIMS ADJUDICA-**
 2 **TION COMMISSION.**

3 (a) EXTENSION OF TIME FOR SUBMISSION OF FINAL
 4 REPORT.—Section 402(e)(2) of the Veterans' Benefits
 5 Improvements Act of 1994 (Public Law 103–446; 108
 6 Stat. 4659) is amended by striking out “Not later than
 7 18 months after such date” and inserting in lieu thereof
 8 “Not later than December 31, 1996”.

9 (b) FUNDING.—From amounts appropriated to the
 10 Department of Veterans Affairs for each of fiscal years
 11 1996 and fiscal year 1997 for the payment of compensa-
 12 tion and pension, the amount of \$75,000 is hereby made
 13 available for the activities of the Veterans' Claims Adju-
 14 dication Commission under title IV of the Veterans' Bene-
 15 fits Improvements Act of 1994 (Public Law 103–446; 108
 16 Stat. 4659).

17 **TITLE II—EDUCATION AND**
 18 **OTHER READJUSTMENT BEN-**
 19 **EFITS**

20 **SEC. 201. PERIOD OF OPERATION FOR APPROVAL.**

21 (a) IN GENERAL.—(1) Chapter 36 is amended—
 22 (A) by striking out section 3689; and
 23 (B) by striking out the item relating to section
 24 3689 in the table of sections at the beginning of
 25 chapter 36.

1 (2) Subparagraph (C) of section 3680A(d)(2) is
2 amended by striking out “3689(b)(6)” and inserting in
3 lieu thereof “3680A(g)”.

4 (b) DISAPPROVAL OF ENROLLMENT IN CERTAIN
5 COURSES.—Section 3680A is amended by adding after
6 subsection (d) the following new subsections:

7 “(e) The Secretary shall not approve the enrollment
8 of an eligible veteran in a course not leading to a standard
9 college degree offered by a proprietary profit or propri-
10 etary nonprofit educational institution when—

11 “(1) the educational institution has been oper-
12 ating for less than two years;

13 “(2) the course is offered at a branch of the
14 educational institution and the branch has been op-
15 erating for less than two years; or

16 “(3) following either a change in ownership or
17 a complete move outside its original general locality
18 the educational institution does not retain substan-
19 tially the same faculty, student body, and courses, as
20 determined in accordance with regulations the Sec-
21 retary shall prescribe, as before the change in owner-
22 ship or the move outside the general locality.

23 “(f) The Secretary shall not approve the enrollment
24 of an eligible veteran in a course as a part of a program
25 of education offered by an educational institution when the

1 course is provided under contract by another educational
2 institution or entity and—

3 “(1) the Secretary would be barred under sub-
4 section (e) from approving the enrollment of an eli-
5 gible veteran in the course of the educational institu-
6 tion or entity providing the course under contract; or

7 “(2) the educational institution or entity provid-
8 ing the course under contract has not obtained ap-
9 proval for the course under this chapter.

10 “(g) Notwithstanding subsections (e) and (f), the
11 Secretary may approve the enrollment of an eligible vet-
12 eran in a course approved under this chapter if the course
13 is offered by an educational institution under contract
14 with the Department of Defense or the Department of
15 Transportation and is given on or immediately adjacent
16 to a military base, Coast Guard station, National Guard
17 facility, or facility of the Selected Reserve.”.

18 (c) APPROVAL OF ACCREDITED COURSES.—Sub-
19 section (b) of section 3675 is amended to read as follows:

20 “(b) As a condition of approval under this section,
21 the State approving agency must find the following:

22 “(1) Adequate records, as prescribed by the
23 State approving agency, are kept by the educational
24 institution to show the student’s progress and

1 grades and that satisfactory standards relating to
2 progress and conduct are enforced.

3 “(2) The educational institution maintains a
4 written record of the previous education and training
5 of the eligible person or veteran that clearly indi-
6 cates that appropriate credit has been given by the
7 educational institution for previous education and
8 training, with the training period shortened propor-
9 tionately.

10 “(3) The educational institution and its ap-
11 proved courses meet the criteria of paragraphs (1),
12 (2), and (3) of section 3676(c) of this title.”.

13 **SEC. 202. ELIMINATION OF DISTINCTION BETWEEN OPEN**
14 **CIRCUIT TV AND INDEPENDENT STUDY.**

15 (a) VETERANS’ EDUCATIONAL ASSISTANCE PRO-
16 GRAM.—Subsection (f) of section 3482 is amended by
17 striking out “in part”.

18 (b) SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL
19 ASSISTANCE.—Section 3523 is amended—

20 (1) in subsection (a)(4), by inserting “(includ-
21 ing open circuit television)” after “independent
22 study program” the second place it appears; and

23 (2) in subsection (c), by striking out “radio”
24 and all that follows through the end and inserting
25 in lieu thereof “radio.”.

1 (c) ADMINISTRATION OF EDUCATIONAL BENE-
2 FITS.—Subsection (c) of section 3680A is amended by
3 striking out “radio” and all that follows through the end
4 and inserting in lieu thereof “radio.”.

5 **SEC. 203. MEDICAL QUALIFICATIONS FOR FLIGHT TRAIN-**
6 **ING.**

7 (a) CHAPTER 30 AND 32 PROGRAMS.—Sections
8 3034(d)(2) and 3241(b)(2) are each amended by inserting
9 before the semicolon at the end the following: “on the first
10 day of such training and within 60 days after successfully
11 completing such training”.

12 (b) SELECTED RESERVE.—Paragraph (2) of section
13 16136(c) of title 10, United States Code, is amended by
14 inserting before the semicolon at the end the following:
15 “on the first day of such training and within 60 days after
16 successfully completing such training”.

17 **SEC. 204. COOPERATIVE PROGRAMS.**

18 (a) CHAPTER 30.—Section 3032 of chapter 30 is
19 amended by striking out subsection (d) and redesignating
20 subsections (e) and (f) as subsections (d) and (e), respec-
21 tively.

22 (b) CHAPTER 32.—Section 3231 of chapter 32 is
23 amended by striking out subsection (d) and redesignating
24 subsections (e) and (f) as subsections (d) and (e), respec-
25 tively.

1 (c) CHAPTER 35.—Subsection (b) of section 3532 is
 2 amended by striking out “\$327” and inserting in lieu
 3 thereof “\$404”.

4 (d) CHAPTER 106.—Section 16131 of title 10, Unit-
 5 ed States Code, is amended—

6 (1) by striking out subsection (e) and redesignig-
 7 nating subsections (f), (g), (h), and (i) as sub-
 8 sections (e), (f), (g), and (h), respectively; and

9 (2) in subsection (b)(1), by striking out “(g)”
 10 and inserting in lieu thereof “(f)”.

11 **SEC. 205. EXTENSION OF ENHANCED LOAN ASSET SALE**
 12 **AUTHORITY.**

13 Paragraph (2) of section 3720(h) is amended by
 14 striking out “December 31, 1996” and inserting in lieu
 15 thereof “December 31, 1997”.

16 **SEC. 206. EXTENSION OF AUTHORITY FOR THE HOMELESS**
 17 **VETERANS’ REINTEGRATION PROJECTS.**

18 (a) IN GENERAL.—Paragraph (1) of section 738(e)
 19 of the Stewart B. McKinney Homeless Assistance Act (42
 20 U.S.C. 11448(e)(1)) is amended by adding at the end the
 21 following:

22 “(E) \$10,000,000 for fiscal year 1997.

23 “(F) \$10,000,000 for fiscal year 1998.

24 “(G) \$10,000,000 for fiscal year 1999.”.

1 (b) REPEAL OF CERTAIN EXTENSION.—Paragraph
2 (2) of section 102(d) of the Act entitled “An Act to amend
3 title 38, United States Code, to extend the authority of
4 the Secretary of Veterans Affairs to carry out certain pro-
5 grams and activities, to require certain reports from the
6 Secretary of Veterans Affairs, and for other purposes”,
7 approved February 13, 1996 (Public Law 104–110; 110
8 Stat. 769), is repealed, and the provisions of section 741
9 of the Stewart B. McKinney Homeless Assistance Act (42
10 U.S.C. 11450) are amended so as to appear as in effect
11 immediately before the enactment of Public Law 104–110.

12 **TITLE III—OTHER MATTERS**

13 **SEC. 301. REPAIR AND LONG-TERM MAINTENANCE OF WAR**

14 **MEMORIALS.**

15 Section 5(b)(2) of the Act of March 4, 1923 (36
16 U.S.C. 125(b)(2)), is amended—

17 (1) by inserting “(A)” after “(2)”; and

18 (2) by adding at the end the following:

19 “(B) In assuming responsibility for a war memorial
20 under paragraph (1), the Commission may enter into ar-
21 rangements with the sponsors of the memorial to provide
22 for the repair or long-term maintenance of the memorial.
23 Any funds transferred to the Commission for the purpose
24 of this subparagraph shall, in lieu of subparagraph (A),

1 be deposited by the Commission in the fund established
2 by paragraph (3).

3 “(3)(A) There is established in the Treasury a fund
4 which shall be available to the Commission for expenses
5 for the maintenance and repair of memorials with respect
6 to which the Commission enters into arrangements under
7 paragraph (2)(B). The fund shall consist of (i) amounts
8 deposited, and interest and proceeds credited, under sub-
9 paragraph (B), and (ii) obligations obtained under sub-
10 paragraph (C).

11 “(B) The Commission shall deposit in the fund such
12 amounts from private contributions as may be accepted
13 under paragraph (2)(B). The Secretary of the Treasury
14 shall credit to the fund the interest on, and the proceeds
15 from sale or redemption of, obligations held in the fund.

16 “(C) The Secretary of the Treasury shall invest any
17 portion of the fund that, as determined by the Commis-
18 sion, is not required to meet current expenses. Each in-
19 vestment shall be made in an interest bearing obligation
20 of the United States or an obligation guaranteed as to
21 principal and interest by the United States that, as deter-
22 mined by the Commission, has a maturity suitable for the
23 fund.”.

1 **SEC. 302. BURIAL BENEFITS FOR CERTAIN VETERANS WHO**
2 **DIE IN STATE NURSING HOMES.**

3 Subsection (a) of section 2303 is amended to read
4 as follows:

5 “(a)(1) When a veteran dies in a facility described
6 in paragraph (2), the Secretary shall—

7 “(A) pay the actual cost (not to exceed \$300)
8 of the burial and funeral or, within such limits, may
9 make contracts for such services without regard to
10 the laws requiring advertisement for proposals for
11 supplies and services for the Department; and

12 “(B) when such a death occurs in a State,
13 transport the body to the place of burial in the same
14 or any other State.

15 “(2) A facility described in this paragraph is—

16 “(A) a Department facility (as defined in sec-
17 tion 1701(4) of this title) to which the deceased was
18 properly admitted for hospital, nursing home, or
19 domiciliary care under section 1710 or 1711(a) of
20 this title; or

21 “(B) an institution at which the deceased vet-
22 eran was, at the time of death, receiving—

23 “(i) hospital care in accordance with sec-
24 tion 1703 of this title;

25 “(ii) nursing home care under section 1720
26 of this title; or

- 1 “(iii) nursing home care pursuant to pay-
- 2 ments made under section 1741 of this title.”.